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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

PM82/0214

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BUCZINSKI, S

ART UNIT

PAPER NUMBER

3662

DATE MAILED:

02/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1 February 2001.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-39 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-39 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit 3662

9-20,  
1. Claims 1, 4-6, 21, 23-26, and 29-39 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Newly introduced claims 29-39 essentially duplicate claims 9-19, except that some of the agreed syntax errors changed in claims 9, 15, and 17 have been reintroduced into claims 29, 35, and 37. These claims are otherwise redundant. It has been just now noticed that an error in claim 1, as well as in claims 21 and 23 exists in the last paragraph of each of these claims. The term "match" should be --do not match-- just as in the other correction to claim 3. Another error occurs in claim 4 and corresponding claim 24, where, e.g., on line 6 of claim 24 --of-- should be reinserted after "display", likewise in claim 4.

Claims 9-20 and 29-39 continue to or now include one contradicting limitation where "output signals having video components" that are not being generated during a standby mode contradict a claimed "mixer" that generates an output of "said video components".

Claim 20, line 6, includes "selectively generating a blocking code in dependence . . ." which is still inconsistent with any of the other original disclosure in the claims and the specification. There is no support for such a "blocking code". However, a "locking code" is not the same and is actually the subject of the invention originally disclosed. Accordingly, the last line of claim 20 is not accurate, since the system is already in a blocked power stand-by mode. The last two lines recite "transmission of said first video signal" that contradicts the language of lines 2 and 3 where the "first video signal" is "transmitted for reception". The language in this claim remains vague because of these cited syntax problems, even though the examiner understands what is intended to have been stated.

OK  
"output" is  
the distinction

use  
"Bar"  
col 5 line 66

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 9-19 and 29-39 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Bonneau et al or Amano et al.

In response to Applicants arguments Bonneau et al is relied upon for the muting and blanking of the video in Fig. 4A with respect to the lockout code. In Amano et al the audio and video are inherently blocked by the channel being blocked with respect to the code entered in col. 6, line 39 et seq.


The present claims no longer carry the restrictions of the patented claims to a "power" stand-by mode of operation and therefore read on the concept of a channel stand-by situation as in the references where a channel is denied until the authorization code is entered. Further arguments as to the applicability of these references under 35 USC 102/103 can be taken directly from the Boards decision of 22 July 1997.

5. Claims 1-39 are rejected as being based upon a defective reissue oath under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

These claims do not refer specifically to each error covered by each change in the newly presented claims, in particular, as each claim is argued above in the rejection under 35 USC 112. Also, each change to newly submitted claims 29-39 must be identified and presented with a reason for its error and why they must be introduced to essentially duplicate claims 9-19 in addition to justifying their existence over the original patented claims or the justified claims 21-28.

In review the form of claims 21-28 would be acceptable without the syntax errors noted above as they address the problems introduced in the original oath. Claims 9-19 and redundant claims 29-39 are rejectable over the art as shown above and have not been justified in the oath as to the errors that are alleged to exist. In addition they introduce new errors to compound the issues as discussed above, besides duplicating themselves. Claim 20 likewise has not been justified in the oath as to the errors it is to have corrected, especially in view of the above documented errors it alone introduces.

7. Any inquiry concerning this communication should be directed to Stephen C. Buczinski at telephone number (703) 305-1835.

  
STEPHEN C. BUCZINSKI  
PRIMARY EXAMINER